S.B.Cr.Misc. Bail App. No. 6233/2007
(Dhapu Devi Vs. State of Rajasthan)

Date of order : 06/02/2008

HON'BLE MR.H.R.PANWAR, J.

Mr. J.S.Choudhary for the petitioner.

Mr. L.R.Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

I have carefully gone through the statements of prosecutions witnesses PW-1 to PW-7. PW-1 to PW-5 have turned hostile, they were said to be the eye witnesses of the occurrence and did not support the prosecution case. PW-6 is hearsay witness. He stated that Chimaram informed that Fusi has been murdered by her mother. Chimaram has already been examined and has not stated so. Even otherwise, he is not witness to the occurrence. The other witness PW-7 is police official. According to learned counsel for the petitioner, the prosecution witnesses have not supported the prosecution case.

Looking to the facts and circumstances of the case and the fact that the material witnesses have turned hostile, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Dhapu Devi W/o Bhoma Ram

be released on bail in CR No. 91/07 P.S. Balesar, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP